

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EQ529357543US, on the date shown below in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: July 19, 2006

Signature:

  
(Deborah Clark)

Docket No.: 62052(51588)  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Mark C. Poznansky et al.

Application No.: 10/537,610

Confirmation No.: 4537

Filed: June 3, 2005

Art Unit: N/A

For: METHODS AND COMPOSITIONS  
RELATING TO GRADIENT EXPOSED  
CELLS

Examiner: Not Yet Assigned

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Application –mailed April 19, 2006, Applicant respectfully submits a Combined Declaration and Power of Attorney, a Sequence Listing Diskette, a Sequence Listing Paper Copy, a Sequence Listing Transmittal, a Petition for Extension of Time, a Preliminary Amendment, and Part 2 Copy of Notice.

Please charge our Deposit Account No. 04-1105 in the amount of \$325.00 covering the fees set forth in 37 CFR 1.17(a)(1) and 1.16(f). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by

07/25/2006 ATRAM1 00000140 041105 10537610

01 FC:2617 65.00 DA  
02 FC:2614 200.00 DA

this firm) to our Deposit Account No. 04-1105, under Order No. 62052(51588). A duplicate copy of this paper is enclosed.

Dated: July 19, 2006

Respectfully submitted,

By

  
Gabriel J. McCool

Registration No.: 58,423

Amy M. Leahy

Registration No.: 47,739

EDWARDS ANGELL PALMER & DODGE  
LLP

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(203) 975-7505

Attorneys/Agents For Applicant



BK/AML/MAIE 62052(51588)  
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

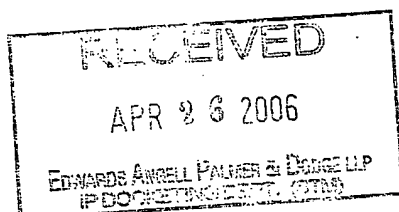
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/537,610                  | Mark C Poznansky      | 62052(51588)     |

| INTERNATIONAL APPLICATION NO. |
|-------------------------------|
|-------------------------------|

PCT/US03/38958

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 12/08/2003       | 12/06/2002    |

21874  
EDWARDS & ANGELL, LLP  
P.O. BOX 55874  
BOSTON, MA 02205



CONFIRMATION NO. 4537  
371 FORMALITIES LETTER



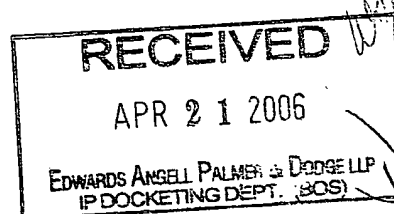
\*OC000000018566704\*

Date Mailed: 04/19/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/03/2005
- Copy of the International Search Report filed on 06/03/2005
- Preliminary Amendments filed on 06/03/2005
- Information Disclosure Statements filed on 07/01/2005
- Oath or Declaration filed on 06/03/2005
- Small Entity Statement filed on 06/03/2005
- U.S. Basic National Fees filed on 06/03/2005
- Specification filed on 06/03/2005
- Claims filed on 06/03/2005
- Abstracts filed on 06/03/2005
- Drawings filed on 06/03/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$350 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:

**SEE  
OTHER SIDE**

- is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$415** for a Small Entity:

- **\$65 Surcharge.**
  - This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
  - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- Total additional claim fee(s) for this application is **\$ 350**
  - **\$100** for 6 independent claims over 3.
  - **\$250** for 111 total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/537,610                  | PCT/US03/38958                | 62052(51588)     |

FORM PCT/DO/EO/905 (371 Formalities Notice)

1AP7 Rec'd PCT/PTO 19 JUL 2006

PTO/SB/21 (09-04)

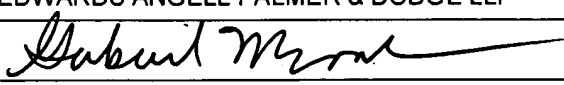
Approved for use through 07/31/2006. OMB 0651-0031

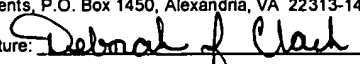
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                        |                   |
|---|------------------------|-------------------|
| <h1>TRANSMITTAL FORM</h1> <p>(to be used for all correspondence after initial filing)</p> | Application Number     | 10/537,610        |
|   | Filing Date            | June 3, 2005      |
|   | First Named Inventor   | Mark C. Poznansky |
|   | Art Unit               | N/A               |
|   | Examiner Name          | Not Yet Assigned  |
| Total Number of Pages in This Submission  | Attorney Docket Number | 62052(51588)      |

| ENCLOSURES (Check all that apply)   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input checked="" type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Sequence Listing Diskette<br>Sequence Listing Paper Copy<br>Part 2 Copy of Notice<br>Return Receipt Postcard |
| <div style="border: 1px solid black; padding: 2px; display: inline-block;">Remarks</div>  |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm Name                                  | EDWARDS ANGELL PALMER & DODGE LLP   |          |        |
| Signature                                  |  |          |        |
| Printed name                               | Gabriel J. McCool   |          |        |
| Date                                       | July 19, 2006   | Reg. No. | 58,423 |

|   |  |
|---|--|
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EQ529357543US, on the date shown below in an envelope addressed to:<br>MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |  |
| Dated: July 19, 2006  | Signature:  (Deborah Clark) |

|   |  |                          |                                  |
|---|--|--------------------------|----------------------------------|
| <b>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</b><br><h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2006</h3> |  | <b>Complete if Known</b> |                                  |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27   |  | Application Number       | 10/537,610                       |
|   |  | Filing Date              | June 3, 2005                     |
|   |  | First Named Inventor     | Mark C. Poznansky                |
|   |  | Examiner Name            | Not Yet Assigned                 |
|   |  | Art Unit                 | N/A                              |
| <b>TOTAL AMOUNT OF PAYMENT</b>  |  | <b>(\$)</b> 325.00       | Attorney Docket No. 62052(51588) |

|  |  |
|--|--|
| <b>METHOD OF PAYMENT (check all that apply)</b>  |  |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____ |  |
| <input checked="" type="checkbox"/> Deposit Account    Deposit Account Number: <u>04-1105</u> Deposit Account Name: <u>Edwards Angell Palmer &amp; Dodge LLP</u>                               |  |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)   |  |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, <b>except for the filing fee</b>                                     |  |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments              |  |

**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**

| 1. BASIC FILING, SEARCH, AND EXAMINATION FEES |             |                       |             |                       |                  |                       |                |
|---|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|   | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       |                |
| Application Type                              | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) | Fees Paid (\$) |
| Utility                                       | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design  | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant   | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue                                       | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional                                   | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

| 2. EXCESS CLAIM FEES                               |          |                       |
|--|----------|-----------------------|
| Fee Description                                    | Fee (\$) | Small Entity Fee (\$) |
| Each claim over 20 (including Reissues)            | 50       | 25                    |
| Each independent claim over 3 (including Reissues) | 200      | 100                   |
| Multiple dependent claims                          | 360      | 180                   |

| Total Claims   | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims |               |
|--|--------------|----------|---------------|---------------------------|---------------|
| 121  | - 121        | x        | =             | Fee (\$)                  | Fee Paid (\$) |
| HP = highest number of total claims paid for, if greater than 20.      |              |          |               |                           |               |
| Indep. Claims  | Extra Claims | Fee (\$) | Fee Paid (\$) |                           |               |
| 10   | - 8          | x        | 200.00        |                           |               |
| HP = highest number of independent claims paid for, if greater than 3. |              |          |               |                           |               |

| 3. APPLICATION SIZE FEE   |               |  |          |               |
|---|---------------|--|----------|---------------|
| If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). |               |  |          |               |
| Total Sheets  | Extra Sheets  | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| _____   | - 100 = _____ | /50 _____ (round up to a whole number) x         | _____    | = _____       |
| 4. OTHER FEE(S)   |               |  |          |               |
| Non-English Specification, \$130 fee (no small entity discount)   |               |  |          |               |
| Other (e.g., late filing surcharge): 2051 Surcharge-Late oath or declaration  |               |  |          | 65.00         |
| 2251 Extension for response within first month  |               |  |          | 60.00         |

|                   |                   |                                   |                |
|-------------------|-------------------|-----------------------------------|----------------|
| SUBMITTED BY      |                   |                                   |                |
| Signature         |                   | Registration No. (Attorney/Agent) | 58,423         |
| Name (Print/Type) | Gabriel J. McCool | Telephone                         | (203) 975-7505 |
|                   |                   | Date                              | July 19, 2006  |

|   |                             |
|---|-----------------------------|
| I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Label No. EQ529357543US, on the date shown below in an envelope addressed to:<br>Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. |                             |
| Dated: July 19, 2006  | Signature:  (Deborah Clark) |